FILED
APR 14 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Mag. Case No. '08 MJ 8321
	COMPLAINT FOR VIOLATION OF:
v.	Title 8, U.S.C., Section 1324 (a)(1)(A)(ii) -Illegal Transportation of Alien(s)
William NAVARRO (1)	
Enrique GOMEZ (2)	
Defendants	

The undersigned complainant, being duly sworn, states:

On or about April 11, 2008, within the Southern District of California, defendant William NAVARRO and Enrique GOMEZ, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, Jorge ARELLANO-Casillas had come to, entered or remained in the United States in violation of law, did transport or move, said alien within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 14th DAY OF APRIL 2008.

Peter C. Lewis
United States Magistrate Judge

I, Senior Border Patrol Agent Juan Suarez declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon statements in the investigative reports by the apprehending agents, that on April 11, 2008, the defendants, citizens of the United States were apprehended in Calexico, California, as the driver and passenger of a green 1994 Ford Mustang bearing California license, 3HKV399, as they attempted to smuggled (1) one undocumented alien in violation of law.

At approximately 10:15 a.m., the Remote Service Video Surveillance (RVSS) operator notified agents two suspected illegal aliens illegally entered the United States by climbing over the International Boundary Fence, approximately .4 miles west of the Calexico West Port of Entry. The RVSS operator informed agents one of the two suspected illegal aliens ran back south into Mexico and the second individual, later identified as Jorge ARELLANO-Casillas remained hidden by the tractor trailers

Agents searched for the suspected illegal alien in the general vicinity where the RVSS operator had last seen the individual and were not able to locate the suspected illegal alien. Agents left the Goldstar Truck Lot.

At approximately 11:35 a.m., agents observed a Ford Mustang enter the Goldstar Truck Lot and park near the tractor trailers where the RVSS operator had last seen ARELLANO. Agents observed the passenger of the Mustang, later identified as Enrique GOMEZ, exit the vehicle. Agents then observed that GOMEZ was wearing a white shirt and dark shorts. Agents observed GOMEZ walk back toward the Mustang with ARELLANO, who matched the clothing description given by the RVSS operator. Agents drove toward the Goldstar Truck Lot in their fully marked Service vehicles.

Agent Guzman approached the passenger and Agent Mendez driver's side of the Mustang. GOMEZ was attempting to enter the Mustang. Agent Guzman verbally ordered GOMEZ to not get into the Mustang and he did not comply. Agent Guzman was able to temporarily grasp GOMEZ' shirt and GOMEZ swung his arms to the rear striking Agent Guzman in the arm. Agent Guzman lost grip of GOMEZ' shirt and he was able to get into the Mustang. The driver of the Mustang later identified as William NAVARRO, accelerated the Mustang and began to drive erratically as he was trying to turn the Mustang around and face it north. As he turned the Mustang, Agent Mendez had to get out of the way to avoid getting struck by NAVARRO. NAVARRO then lost control of the Mustang and made two to three circles in the same area almost striking both Agents. Agent Mendez and Agent Guzman repeatedly instructed NAVARRO to stop the vehicle both in English and Spanish. NAVARRO drove off the Goldstar Truck lot barely avoiding contact with the Agents and the Service vehicles. Agent Cisneros was able to observe the Mustang as it drove south on Imperial Avenue into Mexico.

Agents began to search the tractor trailers/commercial vehicles where ARELLANO was last seen and located ARELLANO hiding under a truck on top of the drive shaft. Agents identified themselves as

United States Border Patrol Agents and questioned ARELLANO as to his immigration status. ARELLANO admitted to not having any Immigration documents to be legally in the United States. ARELLANO was placed under arrest.

At approximately 1:25 p.m., the Calexico Station received a telephone call from a Customs Inspector of the Calexico East Port of Entry. The Customs Inspector advised the Calexico Station duty Supervisor that they had two individuals in custody that were in a vehicle with a recent alert out of our Station. The information of the vehicle given by the Customs Inspector matched the Mustang that had fled earlier. The Calexico East Port of Entry turned over both NAVARRO and GOMEZ with the Mustang to the Calexico Station for further processing. Agents were able to identify NAVARRO as the driver and GOMEZ as the passenger.

NAVARRO was advised of his Miranda Rights. NAVARRO stated that the passenger was his friend and his name was Enrique, but his nickname is "El Negro." NAVARRO stated that Enrique asked to give him a ride to the truck lot to give his dad some money. NAVARRO stated that he then saw some Border Patrol Agents near him and he got scared. NAVARRO stated that he first tried reversing his vehicle and then he drove forward. NAVARRO stated that his vehicle fish tailed as he was trying to turn. NAVARRRO then drove off the truck lot and drove to Mexicali. NAVARRO stated he did have an idea of why they were really in the truck lot.

GOMEZ was advised of his Miranda Rights. GOMEZ stated that the Agents tried to stop them but they did not stop and drove off. GOMEZ stated that there was a 50 percent chance that they could hit the agents as they were trying to leave. GOMEZ stated that he was apprehended by the Border Patrol on two prior occasions for alien smuggling.

Material witness Jorge ARRELLANO-Casillas ARRELLANO stated his cousin made arrangements with a local smuggler to be smuggled to Seattle, Washington. ARRELLANO stated that he was going to be charged between $2,500 to $3,000. ARRELLANO stated that he was going to live in Seattle indefinitely where he was going to live with his relatives and find work. ARRELLANO stated that he last entered into the United States on today's date and he hid on the chassis of a truck. ARRELLANO stated that he then saw a vehicle arrive and someone told him to come out. ARRELLANO stated that he walked toward the voice and an individual was standing next to vehicle. The individual then told him hide again. ARRELLANO stated that he then hid in a different truck. ARRELLANO stated that he then heard loud noises from an engine and people yelling.

The complainant states that the name of the Material Witness is as follows:

NAME	**PLACE OF BIRTH**
Jorge ARRELLANO-Casillas	Mexico

Further, complainant states that Jorge ARRELLANO-Casillas is a citizen of a country other than the United States; that said alien admitted that he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial by subpoena; and he is material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

Executed on April 12, 2008 at 09:00a.m.

Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 pages, I find Probable cause to believe that the defendants named in this probable cause statement committed the offense on April 11, 2008 in violation of Title 8, United States Code, 1324.

Honorable Barbara L. Major
United States Magistrate Judge

4/12/08 at 9:12 am
Date/Time